

**Maine Learning Innovations
149 Falmouth Road
Falmouth, Maine**

March 27, 2014

Maine Charter School Commission
Cross Office Building, 5th Floor
111 Sewall St.
Augusta, Maine 04330

re: Application of Maine Learning Innovations, Inc. - Request for Reconsideration

To the Charter School Commission:

Maine Learning Innovations, Inc. (MLI), formed as a Maine not-for-profit in 2012 seeking to bring innovative educational options to Maine students, submits this letter in support of our request for reconsideration in our letter to the Commission dated March 5, 2014. We are responding to the reasons for denial of our application for a charter for the Maine Virtual Academy, as stated in the letter from Commission to MLI dated March 6, 2014:

- A lack of confidence that all of the members of the governing board were actively involved in the review process, leading to the concern that they would not be sufficiently engaged in the hard work necessary to give proper oversight to the school.
- Ongoing concerns about how only two employees who reported directly to the governing board would be able to adequately oversee a school where the Director of Instruction and all of the teaching staff are employees of the ESP.
- The ESP selected by the applicant has a history that includes uneven performance (see Tab 40) and numerous circumstances where there was authorizer dissatisfaction.
- The proposed professional development for teachers lacked regular, ongoing contact and collaboration including in-person contact and was largely limited to training on the execution of the ESP's instructional model.
- The questionable independence of the data source used by the ESP (even after accepting the correction made by Ms. Carlisle that the Scantron data system is not proprietary to the ESP) as opposed to truly independent performance standards, as well as the inability of the ESP to provide comparative data on SAT and ACT test performance of its students.

We believe the above reasons for denial are based on misunderstandings, errors, or omissions by the Commission from the application and interview process. This process was long and we acknowledge that it would be difficult for every member of the Commission to have access to its entirety. Therefore,

we submit the attached information from the application and the record to address these reasons for denial. We believe this document fully addresses the facts that were overlooked during the final Commission review. Accordingly, MLI requests the Commission to reconsider its decision and approve the Maine Virtual Academy application.

Thank you for your attention. We look forward to a positive response from the Commission.

Sincerely,

Amy Carlisle
MEVA Board Chair

TOPIC OF CONCERN #1

A lack of confidence that all of the members of the governing board were actively involved in the review process, leading to the concern that they would not be sufficiently engaged in the hard work necessary to give proper oversight to the school.

MEVA RESPONSE

The record on this application shows that the Commission has recognized the MEVA Board as being highly qualified. They have demonstrated their commitment to the charter process and are continuing to improve the strength and depth of the MEVA Board.

- The Commission recognized the members of the MEVA Board as being highly qualified in the audio transcript below.
- *All seven members* of the MEVA board have been together for the writing, reviewing, and submitting of *all three* Charter applications for MEVA. By way of contrast, the board of the approved applicant, Maine Connections Academy, has only *two* members who have been on the Board for all three of their Charter applications. Our board members all have areas of expertise, and each was assigned to bring their expertise to the drafting and editing of each application. Six of our seven board members have attended Commission meetings over the last two plus years, while five of our board members have testified in front of the Education Committee.
- The MEVA board members have demonstrated their commitment to the charter process and the Commission by participating in numerous Commission meetings and public forums and supporting the charter process as a resource. We have spent in excess of **750 hours** on formal planning, public board meetings, attending numerous Commission meetings, drafting and presenting testimony before the legislature and drafting and presenting this and two prior applications. We spent many multiples of this time informally preparing for these activities. The MEVA board has collectively submitted three applications and during the submission of these applications has never failed to have a quorum for a vote.
- Even as the MEVA Board has been committed to the application review process, not all members were able to stay in attendance at the final interview because, as recognized by the Commission, we were only given 72 hours notice.
 - The Commission's short notice might not have caused as many conflicts as it did, had it not occurred during the heat of the Maine legislative session and many of our Board members are also committed to working in the public sector.
 - The Commission noted in discussion at the 11/5/13 Commission meeting that Board interviews would be held the week of February 10th or the week of February 17th. However, the Commission notified the MEVA Board on Thursday January 30, 2014 of the Public Interview and Hearing to be held on Tuesday February 4, 2014. Due to the short notice not all of the MEVA Board members were able to attend all of final interview.
 - Peter Mills, Executive Director of the Maine Turnpike Authority, was required to attend the transportation committee review of the Turnpike Authority budget on March 3, 2014 but attended the entire interview on January 13, 2014.

- Alan Casavant, Mayor of Biddeford and Representative of District 137 - Maine House of Representatives, was required to attend both legislative meetings and Mayoral meetings on March 3, 2014 but attended both interview sessions for as long as he could.
 - Tim Walton, Director of External Affairs and Public Policy for CIANBRO, was required by his employer to attend legislative hearings on March 3, 2014 but attended both interview sessions as long as he could.
 - Jennifer LeBlanc, Client Services Manager, was not permitted time off from her employer.
 - Amy Carlisle, MEVA board chair, attended both interviews in their entirety.
 - Ed LeBlanc, MEVA board treasurer, attended both interviews in their entirety.
 - Dr. Jim Chiavacci, MEVA board member, attended both interviews in their entirety.
- At the beginning of the final interview, board chair Amy Carlisle explained the job-related circumstances of the MEVA board members to the Commission. The Commission displayed acknowledgement, understanding, and support of the board members' schedules, particularly when the legislature was in session (*see* Audio file transcript of MEVA final interview on February 4, 2014 – time: 00:14:57).

Audio File Transcript of February 4th Interview

[Peter Mills, MEVA Secretary] (00:05:00) "I am Peter Mills. I am the secretary of this board. I have been involved in this effort since I think October of 2011. I would have to look at the statute to be sure... and I must say that because of my day job at the Turnpike I am due in front of the Transportation Committee at one o'clock this afternoon. As soon as I am done with them however I will come back here."

[Amy Carlisle, MEVA board chair] (00:14:57- 00:15:16)

[Amy Carlisle] "We do have some members who will be coming and going due to legislative meetings and I apologize but feel that we have enough to answer the questions."

[John Bird, Commission member] "I understand."

[Jana Lapoint, Commission member] "Yes, we totally understand."

[John Bird, Commission member] "Well in terms of the resumes of your board it's no wonder why they are multi-tasking and are needed elsewhere especially when the legislature is in session."

- Despite the qualifications of the board and the participation in the review process, the above reason of denial appears to be based on the absence of a few board members at one interview. However, when looking at the entire record and the continuous participation of the MEVA Board during the entire process, over the course of over two years, it is not fair or accurate to conclude that the MEVA Board is not committed to the proper oversight of this school.
- The MEVA Board informed the Commission that it is continuing to add highly qualified people to this board to improve their ability to manage the school. As stated at the February 4th interview, Rich Abramson, a Maine school superintendent for 20 years, will be joining MEVA.

He is an experienced and exceptional school leader who will serve as initial school CEO to help the board recruit and hire a highly qualified CEO to replace him. He will then move to the MEVA board. In addition MEVA is recruiting other qualified board members including a MEVA parent, Maine business owner, and another school administrator or teacher.

- As a result of our efforts and our abilities, the MEVA Board is highly qualified to supervise this school. There is absolutely no basis in the record to conclude that the MEVA board is not sufficiently engaged in the hard work necessary to give proper oversight to the school and in fact, there is strong evidence to the contrary.

TOPIC OF CONCERN #2

Ongoing concerns about how only two employees who reported directly to the governing board would be able to adequately oversee a school where the Director of Instruction and all of the teaching staff are employees of the ESP.

MEVA RESPONSE

Although the application proposed the ESP hire the teaching staff, the MEVA Board **agreed during the interview process to directly hire the MEVA teaching staff** if the Commission was concerned about the proposed staffing model.

- The RFP required the CEO and the CFO to be hired by the governing board. However, it did not require the teachers to be hired by the governing board. Based on the RFP, the MEVA board made an assumption that the Commission was comfortable with a model that allowed the ESP to be the employer of the teachers.
- During the interview process, the Commission recognized the advantages and disadvantages of both employment models, however they did not set any specific requirements for employment. Our board recognized this and clearly stated to the Charter Commission our willingness and capability of employing the teachers. With the Maine-based teachers being hired by the MEVA board, the Director of Instruction position would be adjusted to best meet the needs of the school.
- During the interview process the Commission asked questions about the staffing model proposed by MEVA, but did not indicate that the staffing model needed to be changed in order for the application to be approved.
- Even though the Commission did not raise a concern about the staffing model, the MEVA board told the Commission they would remain flexible on the model and would make changes if the Commission requested it.
- At the February 4th MEVA interview, with all Commission members present, Amy Carlisle (MEVA board chair) directly asked the review team whether they had concerns about the staffing model and indicated the willingness of MEVA to hire the teachers directly.

(see Audio file transcript of the February 4th MEVA final interview)

Audio File Transcript of February 4th Interview

[Amy Carlisle, MEVA board chair] (2:36:21) “I just also wanted to ask one question...one thing we had talked about in the last session was the hiring of the teachers...I can give you the

reasons why we felt it was best for the vendor to do the hiring of the teachers, if you would like that.”

(2:36:56) “I wanted to be sure that you had a comfort level with that because it is something that is not fully negotiated in the contract and *the vendor has welcomed us to hire the teachers.*” [emphasis added]

(02:37:05) “We felt that this relationship, based on the nature of the relationship, was a better one. I would be happy to share those reasons with you if that was an issue. I didn’t know if it remained an issue or concern.”

[Ande Smith, Commission member] (02:37:20) “I’d love to hear it, I don’t necessarily have a concern.”

[Amy] (02:41:16) “So obviously we have that [hiring] responsibility for those two employees [CEO and CFO] and *we could certainly do it for the teachers as well.*” [emphasis added]

- The ESP Services Agreement between the MEVA board and K12 was submitted to the Commission in *draft form*, in accordance with the RFP. The Draft agreement could be amended to meet Commission requirements as necessary. For example MEVA submitted a modified Services Agreement including additions to section 7.4 and section 12.3 following discussions with the Commission. MEVA has the ability to make other modifications to the draft Services Agreement with regard to the hiring of the teaching staff.
- Despite our openness to employing the teachers expressed in both the application and the interview process, we read in the Bangor Daily News that at least one Commission member based her vote to deny the application on a misunderstanding of our stated intent.

“With K12, the governing board was buying all their services from K12,” said Shelley Reed, vice president of the Maine Charter School Commission. “K12 was hiring all the teachers. K12 would be hiring the head of school.” Parents explain why they’ve spent countless hours to bring a controversial virtual charter school to Maine (Bangor Daily News 3/13/14)

- We clearly communicated our intentions in the application and the interview process, and we did not hear the Commission state any concerns that would cause a denial of our application for this reason. We feel we made a compelling effort to ensure the Commission knew we were ready to employ the teaching staff in addition to the CEO and other administrators.

TOPIC OF CONCERN #3

The ESP selected by the applicant has a history that includes uneven performance (see Tab 40) and numerous circumstances where there was authorizer dissatisfaction.

MEVA RESPONSE

The ESP data shows that the longer a student is enrolled in the Virtual charter school the more likely the student is to be proficient on state exams. A large number of students come to a virtual charter school one or more years behind academically. The record shows no authorizer dissatisfaction linked to closed schools.

“Uneven Performance”

- When state test proficiency percentages of students from the resident districts where the largest numbers of students enroll in K12-managed public schools are analyzed, a positive trend is noted: the longer students have been enrolled in a K12-managed public school, the more likely the students are to be “Proficient” on state exams relative to students with shorter tenure, and the better the students perform compared to students enrolled in their resident districts. (see MEVA Charter Application Tab 40 page 4)
- K12 has proven success with “at risk” students like many of the students that Maine Virtual Academy (MEVA) will serve. Data in this area are very promising. Students identified as “Academically at Risk” in math and/or reading were provided with instructional interventions targeted to remedy academic weaknesses. These interventions are making a difference in student performance. In fact, students initially identified as “Academically at Risk” are making equal to or more gains than the Scantron norm group in math and more gains than the Scantron norm group in reading. These gains in the 2010-11 school year suggest that students who stay with the program have the potential to “catch up” to their peer group in math and reading. (see MEVA Charter Application Tab 40 page 4)

“Authorizer Dissatisfaction”

There are *no* official statements of authorizer dissatisfaction of K12 or formal notification, discipline or notification of closure because of a K12 complaint. Schools Boards have adjusted K12 services as school needs warrant.

- “K12 Inc. has not had any relationships revoked or denied renewal by state entities/authorizers. Some partner school contracts have been renegotiated or non-renewed based on mutual decision.” MEVA Public Interview Questions 2-4-2014
- This stated basis for denial has scant evidence to back up it up. In addition, past performance of other virtual schools using K12 as an educational service provider are not indicative of the success or failure of the Maine Virtual Academy as there are substantial variables involved. We offered the Commission evidence of a recently opened virtual school of similar size and grade levels so that the Commission could see more of an apples to apples comparison. MEVA is committed to providing a small scale high quality virtual school to Maine families.

- Virtual schools that partner with K12 demonstrate success when implementing components of the new and improved instructional model. The New Mexico Virtual Academy completed its first year in 2012-13. The school serves up to 500 students in grades 7-12. This school had the benefit of implementation of several successful initiatives, such as (all of which were described in the MEVA application):
 - Strong Start – student/family orientation and onboarding program
 - Instructional Pathways – customized instructional paths developed based on short-cycle assessments and aligned to state standards
 - Individualized learning plans – unique, student-level plans that outline expectations for the instructional year
 - Family Support Teams – engagement and support specialists aimed at ensuring every student is fully engaged in the instructional program
 - Scantron – norm-referenced fall/spring assessment; identifies gaps and shows areas of academic growth
 - Teacher training – focus on curriculum and instructional practices
- The school’s performance on state assessments demonstrates the success of these programs in a new, secondary focused school. The school earned a B rating from the state in its first year of operation. The school had a re-enrollment rate above 85 percent. All but 20 students scored above the district and state average in reading, and approximately 50 percent of students scored above district or state averages in math.

Grade Level	Above District AND State Proficiency Levels	Above District OR State Proficiency Levels	Below District AND State Proficiency Levels									
6	<table><tr><td colspan="3">Percent of students who scored Proficient & Advanced</td></tr><tr><td>School</td><td>District</td><td>State</td></tr><tr><td>53%</td><td>47%</td><td>46%</td></tr></table> <p>Students tested: 93</p>	Percent of students who scored Proficient & Advanced			School	District	State	53%	47%	46%		
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Percent of students who scored Proficient & Advanced												
School	District	State										
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8	<table><tr><td colspan="3">Percent of students who scored Proficient & Advanced</td></tr><tr><td>School</td><td>District</td><td>State</td></tr><tr><td>66%</td><td>60%</td><td>60%</td></tr></table> <p>Students tested: 122</p>	Percent of students who scored Proficient & Advanced			School	District	State	66%	60%	60%		
Percent of students who scored Proficient & Advanced												
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High School Year 2	<table><tr><td colspan="3">Percent of students who scored Proficient & Advanced</td></tr><tr><td>School</td><td>District</td><td>State</td></tr><tr><td>55%</td><td>42%</td><td>40%</td></tr></table> <p>Students tested: 43</p>	Percent of students who scored Proficient & Advanced			School	District	State	55%	42%	40%		
Percent of students who scored Proficient & Advanced												
School	District	State										
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High School Year 3			<table><tr><td colspan="3">Percent of students who scored Proficient & Advanced</td></tr><tr><td>School</td><td>District</td><td>State</td></tr><tr><td>35%</td><td>45%</td><td>41%</td></tr></table> <p>Students tested: 20</p>	Percent of students who scored Proficient & Advanced			School	District	State	35%	45%	41%
Percent of students who scored Proficient & Advanced												
School	District	State										
35%	45%	41%										

In fact, in the past three years, K12-managed schools have had 12+ major contract / charter renewals and 20+ new schools have launched.

TOPIC OF CONCERN #4

The proposed professional development for teachers lacked regular, ongoing contact and collaboration including in-person contact and was largely limited to training on the execution of the ESP's instructional model.

MEVA RESPONSE

The MEVA Charter application describes the board's plan for *regular, ongoing, and in-person* contact and collaboration for all of its staff, and drawing on support from its ESP where necessary. The application highlights:

- In-person professional development - There will be in-person professional development every other month aligned to the school mission and vision and tied to current performance data trends in each class and grade. There will also be workshops and collaboration both among teachers who live near each other, and at the MEVA school offices. The board purposefully looked for and found a 3,000 square foot office for MEVA to meet the requirement of professional development by having numerous conference spaces for teachers to collaborate, participate in workshops, conferences, and professional development, for school leaders to meet with and mentor teachers, and for frequent parent-teacher interactions. (MEVA Charter Application page 234)
- Intake training - Successful virtual teaching takes a very different set of skills, knowledge, and competencies than those used in a brick and mortar setting. MEVA teachers will undergo a 40-50 hour synchronous and asynchronous training course immersing new teachers in the platform, tools, and activities they will use every day in their new role. This course is designed to emphasize the first 30 days in the program. (MEVA Charter Application page 61)
 - Research shows this time to be the most challenging for new students and families. Virtual National Teacher Training (VNTT) teaches and develops skills to guide and support families and students when virtual teachers are most needed. Hundreds of teachers from around the nation and the world will come together to not only learn new skills but also collaborate as professionals and pioneers on a journey to hone their practice and develop into the best virtual teaching professionals in the world. It is a *three-week process* each year.
 - During the first week, teachers meet synchronously, covering topics included in the list above. During the second week, teachers work from their home environments, practicing the skills learned in the first week including familiarizing themselves with the tools of the Online School such as lesson planning and tracking student progress. In

- the final and third week, the teachers convene synchronously again as a group to review progress made, successes, challenges, and to address questions raised.
- At the end of the intake training each new teacher is also assigned a veteran teacher as a mentor to help support them as they transition to teaching in the virtual environment.
 - One week start-of-school training - MEVA will provide *in-person* week-long training to new teachers at the start of the school year to help them understand their roles as teachers, connect to their fellow teachers, understand the partnership with learning coaches and students and families, become acquainted with school culture and build a school community. (MEVA Charter Application page 234 and interview discussion)
 - Ongoing training - Teachers enjoy the benefit of online workshops which provide the opportunity for sharing best practices and team building as well as hearing presentations from curriculum experts. Topics covered include assessment, technology, leadership, instructional strategies, and content. An online real-time presentation tool is used to facilitate professional development. This tool allows professional development to happen at a common time for everyone but eliminates travel costs in some cases as teachers can log in, interact with each other, and view presentations in a collaborative online environment. This ongoing professional development will occur every other week. (MEVA Charter Application page 61 and interview discussion)
 - Individual Development Plan - Each teacher will have an Individual Development Plan (IDP). It is important for us to build the capacity of all of our staff members. School leaders will review the IDP and meet with each teacher *weekly* to discuss instructional strategies, classroom performance, academic data, individual student needs, and other topics established in the IDP. Analyses and results from weekly meetings will drive the teacher IDP and ensure the teacher receives the mentoring, supports, instructional and professional coaching, and help needed for teacher and student success. These weekly meetings will also ensure that school leaders are informed, attuned to every teacher's needs, and well-equipped to manage and ensure the success of the school. (MEVA Charter Application page 234 and interview discussion)
 - 16 professional development days - To demonstrate our level of commitment to professional development, the MEVA calendar includes 16 professional development days. (MEVA Charter Application page 203)

The Commission's concern that MEVA teachers will not have opportunities to meet and build strong relationships with their colleagues is an important one. However, the conclusion is not based on the facts supplied in the application. The training program described above includes a significant variety of opportunities for staff team building – both in-person and technology-enabled. In addition to the staff meetings and trainings there are numerous opportunities for teachers to build in-person relationships with students, families, and other teachers throughout the year, including field trips and outings, conferences, workshops, programs, clubs and other activities. Building the relationships amongst staff and students and families is a critical piece of

the culture and community of MEVA and our Board is committed to ensuring in-person connections amongst all members of our school community. While our model is different from the model used by Maine Connections Academy, the experience of our ESP has demonstrated that many highly qualified teachers want the ability to work from home, something not available in a traditional teaching model. This model benefits our teachers and our students and families allowing for teachers to be hired in a greater geographic area and for greater in-person contact with MEVA students and families. If the Commission remains concerned about the adequacy of the teacher interaction, the MEVA board is receptive to a contract provision that addresses this concern.

TOPIC OF CONCERN #5

The questionable independence of the data source used by the ESP (even after accepting the correction made by Ms. Carlisle that the Scantron data system is not proprietary to the ESP) as opposed to truly independent performance standards, as well as the inability of the ESP to provide comparative data on SAT and ACT test performance of its students.

MEVA RESPONSE

The MEVA application describes a number of assessment tools that will be utilized by the school. This array of assessment tools are similar to if not more extensive than assessments used by other public schools in Maine.

- Scantron data is just one of the methods used to measure student growth. Scantron is a longtime educational assessment organization used by 95 of the 100 largest school districts in the United States as noted by their website in the paragraph below. The Scantron norm group data is comprised of thousands of students who represent the national demographics in terms of socio-economic status and ethnicity. The Scantron Performance Series provides administration and teachers with data on students that they don't often get from prior year cumulative files or test scores. (see MEVA Charter application pg. 546)
- As to the questionable independence of the data source, both MEVA and Maine Connections Academy proposed Scantron Performance Series® assessment results as a measure of student growth as it is an *effective* and *independent* source of student data. For more than half a century, Scantron, owned by Harland Clarke Holding Corp, has helped education, commercial, and government organizations worldwide measure and improve effectiveness with assessment and survey solutions. Scantron serves 95 of the 100 largest school districts in the United States, as well as 70 countries, 40 Ministries of Education, and 60% of the top international universities throughout the world.¹
- In addition, Scantron assessment data is only one of *many* pieces of assessment data that MEVA will use. Student Individualized Learning Plans are established and developed through baseline data, and formative and summative assessments from a variety of sources, including: (see MEVA Charter application pg. 111)
 - Maine Comprehensive Assessment System (MeCAS)
 - Maine Educational Assessment (MEA)
 - New England Common Assessment Program (NECAP)
 - Maine High School Assessment (MHSA)
 - Personalized Alternate Assessment Portfolios (PAAP)
 - Preliminary Scholastic Assessment Test (PSAT)
 - World-Class Instructional Design and Assessment *Assessing Comprehension and Communication in English State-to-State for English Language Learners* (WIDA ACCESS for ELL)
 - Scholastic Assessment Test (SAT)

¹ From Scantron website.

- Scantron Performance Series
- Embedded curriculum lesson, unit, and course assessments

Considered in its entirety, the MEVA Charter application contains a number of references to the many independent and representative sources of assessment data that MEVA will use.

Comparative data on SAT and ACT test performance

- The public charter schools K12 works with do not have SAT/ACT/AP designated sites at which to administer these college entrance exams. Since students are enrolled across the state, students enrolled at public online schools who take the ACT/SAT/AP typically do so at their local high school. When scores are reported, they are most usually sent directly to the families. The online schools request results from families but do not receive 100% of them. Therefore, the scores K12 made available to us were self-reported scores from families, which renders them without statistical value because self-selection could obviously impact the data (in fact it would seem logical that self-selection would significantly skew the data towards higher scores, which logic dictates would be more likely to be self-reported.). It was the MEVA Board's belief that providing data to the Commission that lacks statistical integrity due to its self-reported (and likely inflated) nature would not have been appropriate in this process. (We are uncertain how the applicants for the Maine Connections Academy were able to provide statistically sound data on SAT/ACT results since it is our understanding that all virtual charter schools have the same difficulty in ascertaining statistically reliable ACT/SAT data.)
- It is important to note that the MEVA Board has contractual oversight over monitoring the performance of the ESP. The board will have access to all assessment data at the school's office on a regular basis. The board is confident that all of the data generated by Maine Virtual Academy will allow for robust oversight of the ESP's performance. There are not meritorious arguments that somehow the data produced by K12 is not truly independent. It is subject to independent verification and audit. It is certainly no less independent that the data that MCA, and ultimately the MCSC will use to evaluate performance.